

PROB 12A
(7/93)**UNITED STATES DISTRICT COURT**

for

WESTERN DISTRICT OF TEXAS**Report on Offender Under Supervision**

FILED
 APR 05 2019
 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY *[Signature]* DEPUTY CLERK

Name of Offender: Jose Hernandez Case Number: SA19CR0175 -OLG
 Name of Sentencing Judicial Officer: Honorable Thomas J. Whelan, Senior United States District Judge
 Date of Original Sentence: February 13, 2017
 Original Offense: Importation of Methamphetamine, in violation of Title 21 U.S.C. §§ 952 and 960
 Original Sentence: Forty-Six (46) months imprisonment followed by three (3) years of supervised release.
 Type of Supervision: Supervised Release Date Supervision Commenced: November 7, 2018

PREVIOUS COURT ACTION

On February 12, 2019, Transfer of Jurisdiction was conducted from the Southern District of California, San Diego Division to the Western District of Texas, San Antonio Division.

NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

- | <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--|
| 1. | <u>Mandatory Condition:</u> The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 8 drug tests per month during the term of supervision, unless otherwise ordered by the court. |
| 2. | <u>Standard Condition No. 7:</u> The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician. |

On March 3, 2019, he provided a urinalysis, which resulted in positive for cocaine. On March 11, 2019, Mr. Hernandez reported to the probation office and admitted to the use of cocaine. Mr. Hernandez signed the Admission/Denial Choice form admitting use of cocaine.

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3. **Special Condition No. 5:** Participate in a program of drug or alcohol abuse treatment, including drug testing and counseling, as directed by the probation officer. Allow for reciprocal release of information between the probation officer and the treatment provider. May be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on ability to pay.

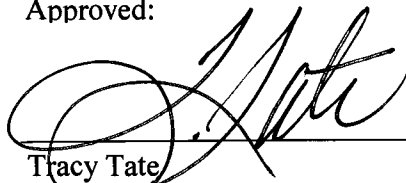
On December 21, 2018, Mr. Hernandez failed to report to Treatment Associates for a random urinalysis.

U.S. Probation Officer Action:

Mr. Hernandez has a Criminal History Category I. He began drinking alcohol when he was seventeen years old. He has a substance abuse history to include the use of cocaine, crack cocaine and methamphetamine. Mr. Hernandez successfully completed the Residential Drug Abuse Treatment Program on May 11, 2018, while in the Bureau of Prisons. On November 7, 2018, Mr. Hernandez began his supervised release and was placed on random urinalysis testing and drug treatment. On March 3, 2019, Mr. Hernandez submitted a urinalysis which tested positive for cocaine. On March 11, 2019, Mr. Hernandez was called into the U.S. Probation Office, and admitted to the use of cocaine and signed the Admission/Denial Choice form admitting use of cocaine. Drug tests were increased and he has been referred to Lifetime Recovery for co-occurring treatment and will be referred to Crosspoint for an evaluation for medication monitoring.

At this time, the probation office respectfully recommends that no adverse action be taken. Mr. Hernandez will continue to continue on increased random urinalysis but has been advised that should he incur any other violations, the Court would be notified and sanctions could be requested.

Approved:



Tracy Tate
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5317

Respectfully submitted,



Cynthia Gonzalez
U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5379
Date: April 1, 2019

cc: Sarah Wannarka
Assistant U.S. Attorney

Richard Golden
Assistant Deputy Chief U.S. Probation Officer

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- ☒ Approved as submitted.
- ☐ Submit a Request for Modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other _____



Honorable
U.S. District Judge

4-5-19
Date